

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

HOBBY DISTILLERS ASSOCIATION, <i>et al.</i>,	
Plaintiffs,	
v.	
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU, <i>et al.</i>,	Case No. 4:23-cv-01221-P
Defendants.	

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

Defendants Alcohol and Tobacco Tax and Trade Bureau and United States Department of Justice (together, “Defendants”) respectfully submit this response to Plaintiffs’ motion for a preliminary injunction. To secure a preliminary injunction, Plaintiffs must show: “a substantial likelihood of success on the merits,” “a substantial threat of irreparable injury,” “that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted,” and “that the grant of an injunction will not disserve the public interest.” *Jordan v. Fisher*, 823 F.3d 805, 809 (5th Cir. 2016) (citation omitted). “A preliminary injunction is an extraordinary remedy never awarded as of right,” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008), and “should only be granted when the movant has clearly carried the burden of persuasion,” *Anderson v. Jackson*, 556 F.3d 351, 360 (5th Cir. 2009). As Defendants explain in the accompanying brief in support of their response, Plaintiffs have not satisfied their burden on each element and demonstrated an entitlement to preliminary relief. Accordingly, the Defendants oppose Plaintiffs’ motion for a preliminary injunction.

Dated: March 21, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director, Federal Programs Branch

/s/ Elizabeth Tulis
ELIZABETH TULIS
HANNAH SOLOMON-STRAUSS
ANNA DEFFEBACH

Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
(202) 514-9237
elizabeth.tulis@usdoj.gov